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10 Attorneys for Defendant  
11 UNITED AIR LINES, INC.

12 Additional Counsel Appear on Signature Page

13  
14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 MELISSA BURTON, individually and  
17 on behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 BRITISH AIRWAYS PLC, VIRGIN  
21 ATLANTIC AIRWAYS, LTD., and  
22 UNITED AIR LINES, INC.,

Defendants.

CASE NO. CV 06-04587-SI

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
RESPOND TO COMPLAINT**

23 Pursuant to Local Rule 6-1, Plaintiff Melissa Burton and Defendants British  
24 Airways Plc, Virgin Atlantic Airways Ltd., and United Air Lines, Inc. respectfully  
25 request that this Court enter an order extending the time in which Defendants must  
26 answer or otherwise respond to this matter until the later of (1) the date when the  
27 Defendant would otherwise be required to file a response pursuant to Federal Rule of  
28

1 Civil Procedure 12, or (2) 45 days after the JPML rules on a motion pending in *In re*  
2 *International Air Transportation Surcharge Antitrust Litigation* (MDL No. 1793)  
3 and a consolidated complaint is filed by all Plaintiffs in the single transferee Court  
4 and served on the Defendant. Plaintiff Melissa Burton has consented to the  
5 requested extension. In support of this stipulation, the parties state:

6 1. The Complaint in this matter was filed on July 27, 2006. It seeks relief  
7 under the Sherman Act and the Clayton Act against three defendants on behalf of a  
8 putative class.

9 2. Nearly 88 similar actions have been filed in various jurisdictions around  
10 the country.

11 3. There is a motion pending before the Judicial Panel on Multidistrict  
12 Litigation ("JPML") to consolidate and transfer actions like this one to a single  
13 venue. The JPML is considering this motion to consolidate in a matter captioned *In*  
14 *re Passenger Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793.

15 4. The parties have agreed that this stipulation does not constitute a waiver  
16 of any defenses, including but not limited to, the defenses of lack of personal  
17 jurisdiction, lack of subject matter jurisdiction, or improper venue. The Defendants  
18 expressly reserve their right to raise all defenses in response to either the current  
19 complaint or any consolidated amended complaint that may subsequently be filed  
20 relating to this action.

21 THEREFORE, the parties request that this Court order that the time in which  
22 Defendants must answer or otherwise respond to this matter is the later of (1) the  
23 date when the Defendant would otherwise be required to file a response pursuant to  
24 Federal Rule of Civil Procedure 12, or (2) 45 days after the JPML rules on a motion  
25 pending in *In re Passenger Air Transportation Surcharge Antitrust Litigation* (MDL  
26 No. 1793), and a consolidated complaint is filed by Plaintiffs in the single transferee  
27 Court and served on the Defendant.

Respectfully submitted,

Dated: August 10, 2006

THE FURTH FIRM, LLP

/s/

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Dated: August 10, 2006

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Dated: August 10, 2006

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/s/

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*Attorneys for Defendant British Airways Plc*

Dated: August 10, 2006

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/s/

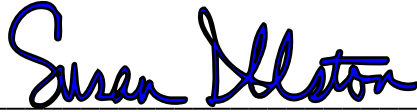
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Airways Limited*

*Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Shirish Gupta hereby attests that the signatories' concurrences in the filing of this document have been obtained.*

PURSUANT TO STIPULATION,  
IT IS SO ORDERED:

Dated:



Honorable Susan Illston

**PROOF OF SERVICE**

I am employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Two Palo Alto Square, Suite 300, Palo Alto, California 94306-2112.

On August 10, 2006, I served the foregoing document(s) described as

**STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND TO COMPLAINT**

on each interested party, as follows:

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed facsimile & U.S. Mail envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a facsimile & U.S. Mail agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

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1 I declare under penalty of perjury under the laws of the United States of  
2 America that the above is true and correct.

3 Executed on August 10, 2006, at Palo Alto, California.

4 /s/  
Jessica F. Davis